

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**UNITED STATES OF AMERICA**

\*

**v.**

\*

**Crim. No. AW 09-0542**

**JERRY BUSH**

**JOHN LINWOOD WILLIAMS**

\*

\* \* \* \* \*

**MOTION TO SUPPRESS EVIDENCE SEIZED PURSUANT TO  
AN INVALID SEARCH WARRANT**

Defendant Jerry Bush, through his attorneys, James Wyda, Federal Public Defender for the District of Maryland, and Paula Xinis, Assistant Federal Public Defender, hereby moves this Court to suppress any and all evidence, and the fruits thereof, seized pursuant to a search warrants issued on October 13, 2009, and executed by Prince George's County Police Officers and/or other law enforcement officers, to search 8364 Indian Head Highway, Apt. A-2, Fort Washington, Maryland; a 2000 Mercedes Benz S50, VIN # WDBNG75J2YA117398, and a 2000 Pontiac Grand Prix, with license plate #DF8823. In support of this motion, undersigned defense counsel states as follows:

1. The defendant, Jerry Bush, is charged in a three count indictment with one count of possession of a firearm after being convicted of a crime punishable by a term of imprisonment greater than one year, in violation of 18 U.S.C. § 922(g)(1); and one count of possession with intent to distribute a detectable amount of heroin, in violation of 21 U.S.C. § 841(a)(1).

2. On or about October 14, 2009, law enforcement agents entered and searched the residence of 8364 Indian Head Highway, Apt. A-2, Fort Washington, Maryland; a 2000 Mercedes Benz S50, VIN # WDBNG75J2YA117398; and a 2000 Pontiac Grand Prix, with D.C. license plate #DF8823.

3. The affidavit in support of the search warrant contains insufficient information from which the reviewing judge could determine probable cause.

4. The affidavit in support of the search warrant also may contain false information and or information in reckless disregard for the truth, warranting a hearing under *Franks v. Delaware*, 438 U.S. 154 (1978).

WHEREFORE, the defendant respectfully moves this Honorable Court to suppress any evidence unlawfully seized pursuant to the above described searches that took place on or about October 14, 2009.

Respectfully submitted,

JAMES WYDA  
Federal Public Defender for  
the District of Maryland

/s/

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**REQUEST FOR HEARING**

Pursuant to Rule 105.6 of the Local Rules of the United States District Court for the District of Maryland, a hearing is requested on the Defendant's Motion.

/s/

PAULA XINIS  
Assistant Federal Public Defender